

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL  
CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC  
OF VENEZUELA,

Defendant.

C.A. No. 17-mc-151-LPS

**CRYSTALLEX INTERNATIONAL CORPORATION'S RESPONSE TO  
PRO SE PLAINTIFF IVAN FREITES' PUTATIVE "MOTION FOR RELIEF FROM  
JUDGMENT AND REQUEST FOR SEALED FILING OF SUPPLEMENT"**

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Dated: July 3, 2024

Crystallex respectfully submits this response to the June 28, 2024 submission of *pro se* plaintiff Mr. Ivan Freites, docketed as a “Motion for Relief from Judgment and Request for Sealed Filing of Supplement,” D.I. 1200. As a non-party who has neither appeared nor moved to intervene, Mr. Freites cannot file motions seeking substantive relief in this case. Although Crystallex does not concede that Mr. Freites’ submission is a motion, Crystallex nevertheless submits this brief response in opposition.

Mr. Freites is not a party to this case and is not bound by this Court’s rulings. *Taylor v. Sturgell*, 553 U.S. 880, 893 (2008) (“[O]ne is not bound by a judgment in personam in a litigation in which he is not designated as a party or to which he has not been made a party by service of process.”) (quoting *Hansberry v. Lee*, 311 U.S. 32, 40 (1940)). Accordingly, he lacks standing to seek relief from Crystallex’s judgment. *Cole v. Guardian Life Ins. Co. of Am.*, 594 F. App’x 752, 755 (3d Cir. 2014) (plaintiff could not invoke collateral estoppel to manufacture standing where issue alleged to be in dispute “was not actually litigated” in prior case). Furthermore, Mr. Freites’ putative motion is outside the one-year limitation on Rule 60(b) motions, *see* Fed. R. Civ. R. 60(c)(1); *Dukes v. Wood*, 2023 WL 5928490, at \*1 (3d Cir. Sept. 12, 2023), *cert. denied*, 144 S. Ct. 1019 (2024), and meritless. Mr. Freites’ putative motion relies on information regarding expert reports submitted by one of Crystallex’s experts, Jose Ignacio Hernandez, whose subsequent role in the Venezuelan Government under Interim President Juan Guaidó has been a matter of public record for years. *See, e.g., OI Eur. Grp. B.V. v. Bolivarian Republic of Venezuela*, 663 F. Supp. 3d 406, 420 (D. Del.), *aff’d*, 73 F.4th 157 (3d Cir. 2023), *cert. denied*, 144 S. Ct. 549 (2024) (citing the Declaration of Jose Ignacio Hernandez submitted on behalf of the Guaidó Government). There is no reason, nor does Mr. Freites articulate one, to disturb Crystallex’s judgment based on such stale and well-known facts.

Mr. Freitas' submission is representative of the types of filings that have been and may in the future be made by additional creditors—or potential creditors in the case of Mr. Freitas—of the Venezuela Parties seeking to preserve Venezuela's assets for their own benefit. But the possibility of additional claims against the Venezuela Parties is not a basis to delay the satisfaction of Crystallex's judgment here. Therefore, to the extent Mr. Freitas' filing was properly docketed as a motion, Crystallex respectfully asks the Court to deny it.

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